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Before the
Federal Communications Commission
 Washington, D.C. 20554

JAN 6 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 93-302
)	
VICTORY CHRISTIAN CENTER, INC.)	File No. BPH-920326MA
)	
INTERMART BROADCASTING OF)	File No. BPH-920326MB
NORTH CAROLINA, INC.)	
)	
TODD P. ROBINSON)	File No. BPH-920327MI
)	
SATURDAY COMMUNICATIONS)	File No. BPH-920327ML
LIMITED PARTNERSHIP)	
)	
For Construction Permit for a New)	
FM Station on Channel 224A in)	
Harrisburg, North Carolina)	

TO: The Honorable Richard L. Sippel
 Administrative Law Judge

PETITION FOR LEAVE TO AMEND AND AMENDMENT

InterMart Broadcasting of North Carolina, Inc. ("InterMart"), applicant for a construction permit for a new FM station at Harrisburg, North Carolina, pursuant to Section 73.3522 of the Rules, hereby respectfully petitions for leave to amend its application (File No. BPH-920326MB).

The attached amendment seeks approval of a plan that would result in settlement of this proceeding by merging the application of Todd P. Robinson (File No. BPH-920327MI) with InterMart's such that James E. Martin, Jr., and Mr. Robinson would be equal shareholders. As both have identical rights and responsibilities there is no question that this would result in a bona fide merger permitted by Section 73.3525 of the Rules. No other consideration has been paid or promised in connection with the merging parties.

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This amendment also responds to the Commission's concerns in the Hearing Designation Order ("HDO"), DA93-1476, released December 17, 1993. Paragraphs 5 and 14 of the HDO ordered InterMart to submit an environmental assessment required by 47 C.F.R. §1.311. The environmental assessment is submitted as a part of the attached amendment.

Section 73.3522(a) of the Rules provides that this amendment is acceptable pursuant to Section 1.65 and Section 73.3514 of the Rules, or as ordered in the HDO. Section 73.3522(b) of the Rules, which governs the filing of post-designation amendments, requires an additional showing of good cause. Out of an abundance of caution, therefore, InterMart shows that this amendment meets the test set out in Section 73.3522(b)(i) and (ii). It is necessitated by settlement of this proceeding; and it will not require an enlargement of hearing issues or the addition of new parties to the upcoming hearing proceeding. The amendment meets the "good cause" test of Erwin F. O'Connor Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1987).

In light of the foregoing, InterMart respectfully requests the Presiding Judge to grant this Petition for Leave to Amend, and to accept the accompanying amendment.

Respectfully submitted,

**INTERMART BROADCASTING OF
NORTH CAROLINA, INC.**

By: 

Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
(202) 785-2800

January 6, 1994

Before the
Federal Communications Commission

Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In re Application of)
)
InterMart Broadcasting of)
North Carolina, Inc.)
)
For Construction Permit)
For a New FM Station)
Harrisburg, North Carolina)

File No. BPH-920326MB

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JAN 6 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AMENDMENT

The above-referenced application for a construction permit for a new FM station at Harrisburg, North Carolina, is amended by substituting the attached pages for those pages on file. The amendment reports a change in ownership of InterMart Broadcasting of North Carolina, Inc., subject to approval by the Presiding Judge in MM Docket 93-302. Upon approval, the capital stock of the permittee would be owned in equal portions by James E. Martin, Jr., and Todd P. Robinson.

Also attached is an Environmental Assessment required by §1.1311 of the Commission's Rules. The applicant certifies that an agreement is in effect among all users of the tower the applicant proposes to use to reduce power or cease operation as necessary to protect workers from exposure to excessive levels of radiofrequency radiation.

Executed this 5th day of Jan., 1994.

**INTERMART BROADCASTING
OF NORTH CAROLINA, INC.**

By: [Signature]

President

FCC 301

FOR
FCC
USE
ONLY

APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY

FILE NO.

Section I -- GENERAL INFORMATION

1. APPLICANT NAME
InterMart Broadcasting of North Carolina, Inc.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

4810 Deltona Drive

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY

Punta Gorda

STATE OR COUNTRY (If foreign address)

Florida

ZIP CODE

33950

TELEPHONE NUMBER (Include area code)

(813) 639-1188

CALL LETTERS

OTHER FCC IDENTIFIER (IF APPLICABLE)

BPH-920326MB

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 -- GENERAL INFORMATION B.

2. A. Is a fee submitted with this application?

☐ Yes ☒ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(1)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
0	0	0	1										
\$													

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY									
(2)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
0	0	0	1										
\$													

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION

\$

FOR FCC USE ONLY

3. This application is for: (check one box)

☐ AM

☒ FM

☐ TV

(b) Channel No. or Frequency

224A

(b) Principal
Community

City

Harrisburg

State

NC

Section I -- GENERAL INFORMATION (Page 2)

(c) Check one of the following boxes:

- ☐ Application for NEW station
- ☐ MAJOR change in licensed facilities; call sign: _____
- ☐ MINOR change in licensed facilities; call sign: _____
- ☐ MAJOR modification of construction permit; call sign: _____
File No. of construction permit: _____
- ☐ MINOR modification of construction permit; call sign: _____
File No. of construction permit: _____
- ☒ AMENDMENT to pending application; Application file number: BPH-920326MB

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application?

☐ Yes ☒ No

If Yes, state:

Call Letters	Community of License	
	City	State

SECTION II - LEGAL QUALIFICATIONS, (a 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (If other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio Applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

a.	InterMart Broadcasting of North Carolina, Inc 4810 Deltona Drive Punta Gorda, FL 33950	James E. Martin, Jr. 475 Turnstone Drive Boca Grande, FL 33921	Todd P. Robinson 3317 Windsor Drive Charlotte, NC 28209
b.	Florida Corporation	U.S.A.	U.S.A.
c.	N/A	President/Director	Vice Pres./Director
d.	N/A	500	500
e.	N/A	500	500
f.	N/A	50%	50%
g.	None	See Exhibit 1	None
h.	None	See Exhibit 1	None

SECTION II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio Applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3505 and 73.501, including the nature and size of such interests and the positions held.

a.	Patricia Fierro 1000-A Appian Drive Punta Gorda, FL 33950		
b.	U.S.A.		
c.	Secretary/Treasurer		
d.	-0-		
e.	-0-		
f.	-0-		
g.	See Exhibit 1		
h.	See Exhibit 1		

Statement Adopting Other Portions of Application

InterMart Broadcasting of North Carolina, Inc., hereby specifically adopts by reference the representations made in those portions of the pending application (File No. BPH-920326MB) which have not been specifically changed herein.

RESPONSE TO HEARING DESIGNATION ORDER
MASS MEDIA DOCKET #93-302
FILED BY
INTERMART BROADCASTING OF NC, INC.
January 1994.

ENVIRONMENTAL ASSESSMENT

This reply is in response to the Hearing Designation Order adopted December 7, 1993, and released December 17, 1993, regarding Mass Media Docket #93-302 and is being filed on behalf of Intermart Broadcasting of North Carolina, Inc. ("Intermart"). As of this date, Intermart, through its consultant, Bromo Communications, Inc., has an agreement with the City of Charlotte, North Carolina, and its representative, Cliff Link, that if a worker, for whatever reason, needs to climb the multi-user tower owned by the City of Charlotte, North Carolina, which Intermart has used in its pending application BPH-920326MB, power will be reduced or operation will be ceased, as necessary, to protect workers from exposure to excessive levels of radiofrequency radiation. No worker will be exposed to radiofrequency radiation levels exceeding the ANSI guidelines.

The tower which Intermart has proposed is an existing tower. It is not necessary to make any changes in the structure to support the Intermart antenna. Therefore, no additional environmental assessment is necessary other than the radiofrequency radiation statement/calculation filed with the original application and the statement herein to protect workers from radiation greater than the ANSI limit.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

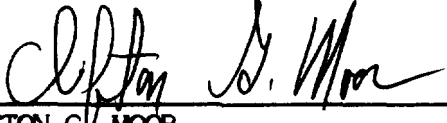
State of Georgia)
St. Simons Island)
County of Glynn) ss:

CLIFTON G. MOOR being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Intermart Broadcasting of North Carolina, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in broadcast engineering since 1966.

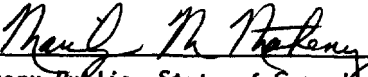
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 5th day of January, 1994.



CLIFTON G. MOOR
Affiant


Sworn to and subscribed before
me this the 5th day of January, 1994.



Notary Public, State of Georgia
My Commission Expires: September 8, 1995

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant InterMart Broadcasting of North Carolina, Inc.	Signature 
Date January 5, 1994	Title President

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 72 hours 40 minutes to 847 hours 25 minutes with an average of 218 hours 82 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 418, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (6060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

CERTIFICATE OF SERVICE

I, Michelle M. Lamarre, a paralegal in the law firm of Smithwick & Belendiuk, P.C., certify that on this 6th day of January, 1994, copies of the foregoing were mailed via first class mail, postage pre-paid and hand delivery, to the following:

The Honorable Richard L.
Sippel (*)
Administrative Law Judge
Federal Communications
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Washington, DC 20554

James Shook, Esq. (*)
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Chief, Data Mgmt. Staff (*)
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P. Robinson

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Washington, DC 20010
Counsel for Saturday
Communications Limited
Partnership

(*) By Hand Delivery

By: Michelle M Lamarre
Michelle M. Lamarre